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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,275	03/12/2001	Kenneth A. Franken	01F1465	8548

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SIMMONS, PERRINE, ALBRIGHT & ELLWOOD, P.L.C.  
THIRD FLOOR TOWER PLACE  
22 SOUTH LINN STREET  
IOWA CITY, IA 52240

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

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DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,275

Applicant(s)

FRANKEN ET AL.

Examiner

Dominic D Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 19 rejected under 35 U.S.C. 102(b) as being anticipated by Matthews, III et al. (6,025,837).

Regarding claim 1, Matthews et al. disclose a browser (106) shown in Figure 4 (col. 8, lines 66-67) on a first PC at a first viewer location (64) shown in Figure 3 (col. 7, lines 47-50), a computer system (22) shown in Figure 3 (col. 7 lines 45-47) at a second location, coupled to said browser (106) via a computer network (74) shown in Figure 4, said browser (106) displaying a guide (104) comprising a plurality of cells arranged in rows and columns (Figure 5), wherein said guide is transmitted from said second location (col. 6, lines 59-62), where each of said plurality of cells is associated with a particular program and contains descriptive text relating to said particular program (also shown in Figure 5) (col. 8, lines 55-63) and, where each of said plurality of cells further includes a hypertext link (140) (col. 9, lines 56-60), which is coupled to software (col. 10, lines 2-3) which upon an occurrence of a click on said hypertext link, causes said first PC (64) to receive a video image associated with said particular program (col. 12, lines 10-26, 30-33).

Regarding claim 2, Matthews et al. disclose the system of claim 1, and additionally disclose a programming source (22) which provides video signals over an internet connection, which falls under the definition of networks provided in col. 7, lines 54-63, and where said software links said guide to said programming source (col. 6, lines 59-61, and col. 8, lines 6-11).

Regarding claim 3, Matthews et al. disclose the system of claim 2, and additionally disclose said video image to be recorded on said first PC (64) for subsequent review (col. 12, lines 26-29, 38-40).

Regarding claim 4, Matthews et al. disclose the system of claim 2, and additionally disclose said video image to be displayed on a PC display device (66, 112) shown in Figure 3 (col. 7, lines 47-50).

Regarding claim 5, Matthews et al. disclose the system of claim 4, and additionally disclose said video image to be recorded on said first PC (64) for subsequent review (col. 12, lines 26-29, 38-40).

Regarding claim 6, Matthews et al. disclose the system of claim 1, and additionally disclose a PCDTV board (98) shown in Figure 4, which tunes video

signals, where said software links said guide to said PCDTV board (col. 8, lines 27-30, 58-62).

Regarding claim 7, Matthews et al. disclose the system of claim 6, and additionally disclose said first PC (64) displays video signals on a PC display device (66, 112) shown in Figure 3 (col. 7, lines 47-50).

Regarding claim 8, Matthews et al. disclose the system of claim 6, and additionally disclose said first PC (64) records said video signals for subsequent review (col. 12, lines 26-29, 38-40).

Regarding claim 9, Matthews et al. disclose the system of claim 8, and additionally disclose said first PC (64) displays video signals on a PC display device (66, 112) shown in Figure 3 (col. 7, lines 47-50).

Regarding claim 10, Matthews et al. disclose the system of claim 9, and additionally disclose said PCDTV board (98) receives signals from a broadcast television antenna (col. 6, lines 7-8, 17-18 and col. 8, lines 24-30).

Regarding claim 11, Matthews et al. disclose the system of claim 9, and additionally disclose said PCDTV board (98) receives signals from a coaxial

antenna cable coupled to a source of cable television (col. 6, lines 7-8, 10-14 and col. 8, lines 24-30).

Regarding claim 12, Matthews et al. disclose a method of delivering television video images to a viewer comprising the steps of providing television programming guide (104) to a first PC (64), clicking on a hypertext link (140) in said guide, and in response to said clicking, delivering video images to said viewer on said first PC (64) (col. 12, lines 10-26, 30-33), such that said video images relate to textual and temporal information included in said guide (col. 9, lines 45-46) as shown in Figure 5.

Regarding claim 13, Matthews et al. disclose the method of claim 12, and additionally disclose delivering video images includes delivery of data over an internet connection (col. 7, lines 64-67 and col. 8, line 1) and generating said video images using said data (col. 10, lines 2-3, and col. 12, lines 10-29).

Regarding claim 14, Matthews et al. disclose the method of claim 12, and additionally disclose said step of delivering video images includes demodulating television signals within said first PC using a PCDTV board (col. 8, lines 24-30).

Regarding claim 15, Matthews et al. disclose the method of claim 14, and additionally disclose said television signals are received via a broadcast

television antenna coupled to said first PC (col. 6, lines 7-8, 17-18 and col. 8, lines 24-30).

Regarding claim 16, Matthews et al. disclose the method of claim 15, and additionally disclose said step of delivering video images includes a step of recording said video images on said first PC (64) for subsequent review (col. 12, lines 26-29, 38-40) by the viewer.

Regarding claim 17, Matthews et al. disclose the method of claim 16, and additionally disclose said step of delivering video images includes delivery of data over an internet connection and generating at least a portion of said video images using said data (col. 7, lines 54-63, and col. 8, lines 6-8).

Regarding claim 18, Matthews et al. disclose a video delivery system comprising means for providing a television programming guide (104) to a first PC (64) (col. 8, lines 55-62), means for clicking on a hypertext link (140) in said guide (col. 9, lines 55-60), and means for delivering video images in response to said means for clicking (col. 7, lines 45-50) to said viewer on said first PC (64), such that said video images relate to textual and temporal information include in said guide (col. 9, lines 45-46) as shown in Figure 5.

Regarding claim 19, Matthews et al. disclose the system of claim 18, and additionally disclose means for demodulating a television signal received in said first PC (64) via a broadcast antenna (col. 6, lines 7-8, 17-18, and col. 8, lines 24-30), and means for delivery of data over an internet connection and generating said video images using said data (col. 12, lines 10-40).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews et al. in view of Cathey et al. (5,778,182).

Regarding claim 20, Matthews et al. disclose a browser (106) shown in Figure 4 (col. 8, lines 66-67) on a first PC at a first viewer location (64) shown in Figure 3 (col. 7, lines 47-50), a computer system (22) shown in Figure 3 (col. 7 lines 45-47) at a second location, coupled to said browser (106) via a computer network (74) shown in Figure 4, said browser (106) displaying a guide (104) comprising a plurality of cells arranged in rows and columns (Figure 5), wherein said guide is transmitted from said second location (col. 6, lines 59-62), where each of said plurality of cells is associated with a particular program and contains

descriptive text relating to said particular program (also shown in Figure 5) (col. 8, lines 55-63) and, where each of said plurality of cells further includes a hypertext link (140) (col. 9, lines 56-60), which is coupled to software (col. 10, lines 2-3) which upon an occurrence of a click on said hypertext link, causes said first PC (64) to receive a video image associated with said particular program (col. 12, lines 10-26, 30-33), a programming source (22) which provides video signals over an internet connection, which falls under the definition of networks provided in col. 7, lines 54-63, and where said software links said guide to said programming source (col. 6, lines 59-61, and col. 8, lines 6-11), wherein said video image is recorded on said first PC (64) for subsequent review (col. 12, lines 26-29, 38-40), a PCDTV board (98) shown in Figure 4, which tunes video signals, where said software links said guide to said PCDTV board (col. 8, lines 27-30, 58-62), wherein said PCDTV board (98) receives signals from a broadcast television antenna (col. 6, lines 7-8, 17-18 and col. 8, lines 24-30). Matthews et al. specify that the programming source can be delivered in a combination of wired and wireless technologies (col. 6, lines 19-21), accommodating said software to link the guide to both the program source provided through the internet and to the PCDTV board (98) which receives signals from a broadcast antenna.

What Matthews et al. fail to disclose is software coupled to said browser for reporting viewing choices made by a user, so that television ratings and consumer research can be facilitated.

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Cathey et al. disclose software (18) coupled to server (14) which logs choices made by users (col. 3 lines 7-9). The motivation for doing so is listed in detail in col. 12, lines 1-19, and can be summarized as a means for facilitating television ratings and consumer research.

It would have been obvious at the time to a person of ordinary skill in the art to include in the system described by Matthews et al. software coupled to said browser for reporting viewing choices made by a user. The reason for doing so would be to facilitate television ratings and consumer research.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harrison et al. (6,072,521), column 10, lines 24-36, and Astle et al. (2001/0046372 A1).

The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## Certificate of Mailing

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Dominic Saltarelli  
Patent Examiner

DS

  
CHRIS GRANT  
PRIMARY EXAMINER